



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/706,188	11/11/2003	Kota Ishibiki	17235	6116

23389 7590 12/21/2007
SCULLY SCOTT MURPHY & PRESSER, PC
400 GARDEN CITY PLAZA
SUITE 300
GARDEN CITY, NY 11530

EXAMINER

CONLEY, SEAN EVERETT

ART UNIT	PAPER NUMBER
----------	--------------

1797

MAIL DATE	DELIVERY MODE
-----------	---------------

12/21/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/706,188

Applicant(s)

ISHIBIKI, KOTA

Examiner

Sean E. Conley

Art Unit

1797

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 October 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) 6-23 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

FINAL ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Ogawa et al. (JP 2001070226 A - machine translation).

Regarding claim 1, Ogawa et al. disclose a medical equipment autoclaving system comprising a communication vent (211) through which the inside of medical equipment (endoscope) and the outside thereof communicate with each other, a pressure adjusting means that includes a check valve (202) which opens only when the pressure in the inside of the medical equipment which communicates with the outside thereof through the communication vent gets higher than the pressure in the outside thereof by a certain value or more (see paragraphs [0028], [0031], [0050]-[0059]), and an autoclave that sterilizes the medical equipment, wherein the autoclave *is capable* of executing the following process (see paragraphs [0034]-[0059]): a first depressurization process including a step of depressurizing the inside of a chamber included in the autoclave; an autoclaving process which succeeds the first depressurization

process and in which the chamber is pressurized; and a second depressurization process succeeding the autoclaving process and including a step of depressurizing the chamber, wherein: the second depressurization process includes a plurality of depressurization process, the pressure of at least one of which being lower than that of any other of the plurality of depressurization processes performed before it.

Regarding claim 2, Ogawa et al. disclose an autoclave capable of performing a second depressurization process that includes a plurality of pressurizing steps (see paragraphs [0034]-[0059].

Regarding claim 3, Ogawa et al. disclose medical equipment (endoscope) that includes an armor member (sheath) designed to shut out the inside of the medical equipment (endoscope) from the outside thereof and made of a material having softness (see paragraph [0024]-[0027], [0032]).

Regarding claim 4, Ogawa et al. disclose an endoscope having a bending section (9) that is formed adjacently to the distal section of an insertion unit (2), which is inserted into an object, so that it can be bent, and an armor member (sheath) used to sheathe the bending section and made of a material having softness (flexible) (see paragraph [0024].

Regarding claim 5, Ogawa et al. disclose an endoscope having a communication vent (211) formed so that the communication vent (211) can be forcibly unblocked after the completion of the second depressurization process (see paragraphs [0050]-[0053], [0060]).

Response to Arguments

3. Applicant's arguments filed October 12, 2007 have been fully considered but they are not persuasive.

The Applicant argues that the steps recited in claim 1 are not disclosed or taught by Ogawa et al. Specifically, the Applicant argues that Ogawa only discloses a single depressurization step whereas the claim requires a plurality of depressurization steps. These arguments are not persuasive since they are directed to process limitations whereas claims 1-5 are apparatus claims. Therefore, the prior art only needs to be capable of performing any claimed functional limitations. Ogawa et al. may not specifically disclose a plurality of depressurization steps. However, the apparatus of Ogawa et al. is capable of performing multiple depressurization steps since the apparatus of Ogawa et al. performs at least a single depressurization step after sterilization. Therefore, the apparatus of Ogawa et al. anticipates the Applicant's claimed structure of the apparatus of claims 1-5 and furthermore, the apparatus of Ogawa et al. is capable of performing the claimed intended use or function.

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sean E. Conley whose telephone number is 571-272-8414. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gladys Corcoran can be reached on 571-272-1214. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SEC

December 14, 2007


GLADYS JP CORCORAN
SUPERVISORY PATENT EXAMINER